

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

FCC 13M-14  
09703

In the Matter of	)	
	)	
<b>GLENN A. BAXTER</b>	)	WT Docket No. 11-7
	)	FCC File No. 0002250244
Application to Renew License for Amateur	)	
Radio Service Station K1MAN	)	

**ORDER**

**Issued: July 17, 2013**

**Released: July 17, 2013**

On July 2, 2013, the Presiding Judge released *Order*, FCC 13M-13, directing Glenn Baxter and the Enforcement Bureau (“the Bureau”) to: (1) submit reports detailing the status of a United States District Court proceeding related to this case; (2) update the Presiding Judge on the status of ongoing discovery; and (3) propose dates on which to schedule a series of procedural milestones. These included the date for completion of discovery, the date for prehearing conference, and the date for hearing.<sup>1</sup> The Bureau submitted its status report on July 11, 2013.<sup>2</sup> Mr. Baxter has not submitted a status report.<sup>3</sup>

The Bureau reported that the collection action against Mr. Baxter in the United States District Court for the District of Maine has concluded. On January 10, 2012, the District Court granted, in part, a partial summary judgment motion and imposed a \$10,000.00 forfeiture against Mr. Baxter.<sup>4</sup> Mr. Baxter appealed to the United States Court of Appeals for the First Circuit, which affirmed the District Court’s decision on September 10, 2012.<sup>5</sup> The Bureau reported on July 9, 2013 that Mr. Baxter did not appeal the Court of Appeal’s decision, which makes final the Court of Appeal’s affirmance on September 10.<sup>6</sup>

The Bureau proposed that a prehearing conference be held on September 13, 2013, but stated that it was unable to propose a date for the completion of discovery

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<sup>1</sup> *Order*, FCC 13M-13 (rel. July 2, 2013).

<sup>2</sup> Enforcement Bureau’s Status Report (filed July 11, 2013).

<sup>3</sup> However, Mr. Baxter did respond to *Order*, FCC 13M-13, with two pleadings: Motion To Dismiss Hearing Designation Order (filed July 2, 2013) and Petition to the Federal Communications Commission (filed July 2, 2013). These pleadings will be addressed in a future Order.

<sup>4</sup> Enforcement Bureau’s Status Report at 2; *United States v. Glenn A. Baxter*, Order On Motion For Summary Judgment, 841 F.Supp. 2d 378 (D.Me. 2012).

<sup>5</sup> Enforcement Bureau’s Status Report at 2.

<sup>6</sup> *Id.*

because of Mr. Baxter's failure to respond to discovery requests.<sup>7</sup> Nor did the Bureau propose a date for hearing. The Bureau did note, however, that it intends to file a motion on or before August 16, 2013 regarding "[the] effect [of a Circuit Court ruling] on the Commission's ability to process Mr. Baxter's application for renewal of his amateur radio license under the Commission's . . . red light rule."<sup>8</sup> From the limited description of its motion, the proposed remedial assistance that the Bureau seeks to obtain by its motion, and the effect it may have on the course of this proceeding, remain unclear.

## RULINGS

Due to Mr. Baxter and the Bureau's respective histories of failure to provide the Presiding Judge with necessary explanations and timely updates, it is necessary to hold a prehearing conference **at 10:00 am on August 13, 2013**, to ensure that this proceeding continues moving forward.<sup>9</sup> The conference will be held in OALJ's courtroom at Commission headquarters with a court reporter in attendance and will address:

1. The status of ongoing discovery, including Mr. Baxter's failure to respond to discovery requests;
2. The relief sought by the Bureau's "red light rule" motion and its impact on the course of this proceeding;
3. Possible dates for the completion of discovery and the hearing; and
4. The procedural rules that the parties are expected to follow regarding communication with the Presiding Judge and his staff, and between Mr. Baxter and Bureau counsel.

**SO ORDERED.**

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel  
Chief Administrative Law Judge

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<sup>7</sup> *Id.* at 5.

<sup>8</sup> *Id.* at 3, 8. "An application (including a petition for reconsideration or any application for review of a fee determination) or request for authorization subject to the FCC Registration Number (FRN) requirement set forth in subpart W of this chapter will be examined to determine if the applicant has paid the appropriate application fee, appropriate regulatory fees, is delinquent in its debts owed the Commission, or is debarred from receiving Federal benefits." 47 C.F.R. §1.1910(a)(1).

<sup>9</sup> Mr. Baxter may participate by telephone but must notify Ms. Gosse by e-mail, with copy to Mr. Randazzo, of his intention to do so no later than 12 Noon on August 12, 2013. Ms. Gosse will then give appropriate directions to Mr. Baxter.